P7.15-99.

G. R. S. IX-5]

Previous references. 1896-97. / 192 . (LR.)

File No. 88-96

Serial Nos. 1-7.

Later references.
LR 70-99

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-7.

In ~~Part~~ B for April 1897

SUBJECT.

Application for reconsideration of Govt. order regarding the Patta of S. No. 18 of Hiregar Belur Taluk.

WD 2233—GPB—20,000—11-6-20

LR 88-96-2

(4) [illegible] 33

[illegible]

[illegible] fail to appear in [illegible]

[illegible] ... questions [illegible]

[illegible]

[illegible]

[illegible]

[illegible] Geographically [illegible]

[illegible]

2. It is clear that the [illegible]

The orders [illegible]

the 25th [illegible] 1895 and the [illegible]

[illegible] on the [illegible] 1895.

The next question is whether ... There

has been substantial injustice done.

The line of contention is what is it

that [illegible] in possession of

Geographically ... this is very clearly defined

[illegible] portion which [illegible]

[illegible] and [illegible]

[illegible]

[illegible]

[illegible] portion clearly shows

that it is to the [illegible] to 161

and to the cent of Geographically

share of the same number namely 160.

[illegible] 161 [illegible]

The pleader for appellant intended that the same ~~[illegible]~~ consists of two bits one to the east of [illegible]'s part [illegible] and the other to the west of hotel. This is not at all tenable. There is no reference to two such pieces. It is only one block of 8 acres ~~[illegible]~~ to which allusion is made. It is therefore clear that it is the western block a portion of which was sold to [illegible] and put in his possession.

4. One curious claimant in these proceedings is a brother of [illegible]. His claim seems the most curious. He has appeared for the first time on [illegible] 1895. He must be referred to the Civil Court.

5. There is one matter which Mr. Ramanjaya left for future disposal namely [illegible]. It will now be sanctioned as made by the Mirasmen. ~~[illegible]~~

[illegible signature]

1/8/96

Submitted -

Petitioner has taken objection to the 4th issue & finding on the question of limitation - Please see ground 2, in which he says that an appeal was actually admitted in the first instance under section 172 of the land Revenue Code and remanded to the lower court and that the Admiral of appeal a long subsequent time after the return of proceedings by the lower court is wrong. In view this issue deserves to be considered.

The appeal petition could not be signed by the petitioner as he was [illegible] Please see ground No 2 -

18-9-96.

I said I read the ground - He says rather I understand you to say that the Court admitted the appeal when it was actually time barred - I said I decided that it was barred - and the Petitioner argued that it was not barred

barred while the Dy Commr thinks clearly that it is so. I have explained my order more fully in my order - Parties to be informed accordingly

11/9/96

19/9/96

5-

Before the Government of Mysore.

Petition ~~Appeal~~ No. 1683 of 1896-97

~~Appellant.~~ Petitioner Abdul Gani of Belur

Vs.

~~Respondent.~~ Counter Petitioner Venkaiya Chetti.

Bailiff's Notice served
21. 1. 97.

Adjourned to 12th Feb
Notice to be issued to opponents
Mr Mr 27/1.

Counter Petitioner's notice affixed to his dwelling.
12. 2. 97.

Petitioner in person
Counter Petitioner not present.
Case adjd to 13th Inst. as per 2nd Councillor's telegram from Bangalore.
B.L. 13. 2. 97.

Appearance of parties as before
Adjd to 15th Inst. as per Councillors' order.

15. 2. 97.
Appearance as before
Bo. Adjd to 4th March.

5

Before the Government of Mysore.

Petition ~~Appeal~~ No. 1653 of 1896-97

~~Appellant.~~ Petitioner Abdul Gani of Belur

Vs.

~~Respondent.~~ Counter Petitioner Venugopa Chetti.

Sub Inspr Notice served 21. 1. 97.

Adjourned to 12th Feb to enable the issued to appear duly Mgr 1.

Counter Petitioner's notice affixed to his dwelling.

12. 2. 97.

Petitioner in person. Counter Petitioner not present. Case adjd to 13th inst as per Dist Councillor's telegram from Bangalore.

B.L. 13. 2. 97.

Appearance of parties as before. Adjd to 15th inst as per Councillor's order.

15. 2. 97.

Appearance as before. Adjd to 4th March.

B.L.

6 | 4. 3. 97.

Both parties in person.
Adjd to 6th Inst. for hearing at
Bezwada, as per telegram from
the 2nd Councillor
(Vide the Resolution of the
6. 3. 97. parties)

Parties present:
Adjd to 8th Inst; as per Councillors'
verbal order.

B.O.
D.V. 8. 3. 97.

Parties present:
Case adjd to 9th Inst as per
verbal
2nd Councillors order ~~recorded~~
~~on the list of cases.~~

B.O.
D.V.

9. 3. 97.

Parties present:
Case again adjourned to
10th Inst: as under the
2nd Councillors order recorded
on the list of cases.

B.O.
D.V.

10. 3. 97.

Parties present:
Case again adjourned to
11th Inst; under the 2nd
Councillors order recorded
on the list of case.

B.O.
D.V.

11. 3. 97.

Parties were present and
heard.
Order pronounced.

B.O.
D.V.

these proceedings arose out of an application presented by Abdul Jamil to divide his land No 18 between himself and the Counter Pet^rs Veerayya Chetty and to register their names separately for their divided portions. The land was divided by the measurer but before the division was finally accepted the Pet^rs objected to it on the ground that the division was not in accordance with their respective enjoyments. Enquiry was held into the questions of Sale & Enjoyment which were then argued by both the parties & the Dist Court found that the portion reserved by Abdul Jamil & which the portion conveyed to him by the Counter Pet^rs formed one continuous block on the eastern side of survey No 18 and directed that the registry may be made in the names of both in accordance with his finding - Abdul Jamil has appealed against this order and the question we have to decide is whether the division should be made in spite of the the appellants' objection, & under the provisions of para 8 of the

[illegible] non admissible
[illegible] Gaillustrant.

80

hundredth rule @ XXVI. We are of opinion that this rule does not apply as till the grade is finally effected the counter part has no bona fides, and & under the rule as the fact of this grade the correctness of the grade no grade can be effected. For this reason the order of the Dy Comr authorizing the sale of any portion of this land in the name of Venkayya chetty cannot be supported and this order is cancelled - The joint Patta is neither

Regarding the order directing the Pucca title deed we find that there is a real & bona fide dispute between the parties regarding the two features reserved and it is not right that a Revenue Officer should decide this matter of right & the question of enjoyment based thereon in a summary enquiry The parties must be left to decide their rights in a Civil Court.

11-3-47

Wills.

Appeal-1
Sun
21/3/47

Filed
Of

Appeal from an order of the Dep^y Comr
Hassan dated 1-8-96 - within time &
Appellant Absent - Copy of the Dep^y Comr's
order produced.
Re-mitted
Rj.
3/9/96

Dist Engr
4-9-96

No. 189 / 191

No. 787

Name of Petitioner, Abdul Gani
son of Md Jamal Sab.

Village,

Taluk, Belur Taluk

District, Hassan

Date of Arzi,

Date of Receipt, 31-8-96

Date of Disposal,

No. of Enclosure, 4

ABSTRACT.

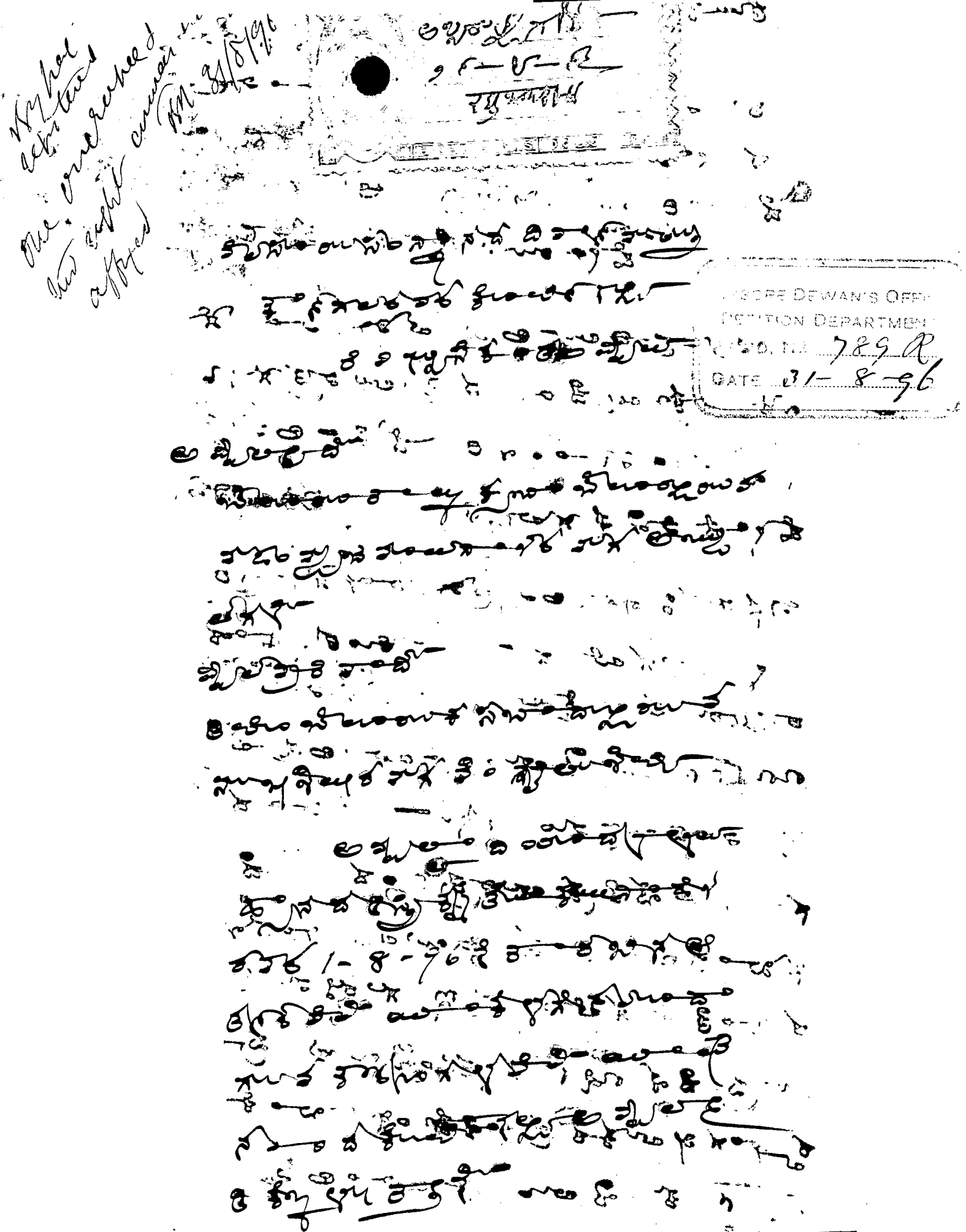
Pet appeals against the order of the Dy Comr, Hassan dt 31-8-96 in the following grounds:- (1) He erred in ordering the land in dispute for joint enjoyment according to Land Revenue Rules Para 3 of Sec XXIV, Rent Code Sec 70 & 71 - (2) Dying unmarried the appeal to the Asst Comr and after expiration of appeal declared ~~it~~ ~~void~~ in having been taken back - (3) Dy Comr without seeing the Sale Deed alleged to have been executed by Pet in favour of defendant Venkatachalapathy, decided the case against the Pet - (4) In the mutation granted to Pet, Pet's Sale Deed dt 13-12-95 marked "C" & the appeal defendant subsequently sold him 3 acres in the land marked "B" in the mut., so that he should get 5 acres in certain part of land marked "C" and 3 acres in land marked "B". Munsif Court has erred in having divided the land marked B and given him 8 acres (total) in it - Mutation is wrong. (5) Respondent has fraudulently failed to produce the deed of Sale of 'C' marked land. The lower courts have acted in direct contravention of Rules and have done him great injustice. He therefore begs that the order may be revised & suitable orders passed in connection with the case and deed etc Equitably.

2/9/96
B.R.

Memorial
Grounds of the
Dy Comrs decision
Memorial that the appeal
was barred when
the case came
up for disposal
~~Memorial grounds~~
~~Memorial that the appeal~~
~~was barred~~
This
is in
correct, second appeal
Dist Engr
objects that is inadmissible
remanded on the decision
the Dy Comr
the Dy Comr on that ground
Copyright is enclosure
and to Mrs Rivett
have
heard that appeal
the appeal
was
barred 1-9-96
Such
an official
to show that
the decision on that ground
is wrong.

15.9.96

Dist Engr
East Division
Dtd 28/8/96



1. ... under Section ... of the Revenue Code

3

4

5

6

7.

8

9

By Order

Redraft

for Secretary

10

Regd Minutes the following:-

1 Order passed on 3-2-94
1 do passed on 25-6-95
1 do — on 14-10-95
1 do — 1-8-96

Form.

30/11/96

Reference LR 68-96

5/12

789 Sch 96-97

Send

15/12

In time

Stamp Superior

application for leave

of Gorizon-du Mr meeting

Pet's appeal.

Sick of 2nd Counsellor

1892

19/12/96 (46)

Ex 6 Sch

5/12

Copies of the Petition

Decree

Reasons

Order

Memo

Certified Copy

Counsel's Clerk

Receipt

Draft

Envelope

20/12/96

6. 10-10-97 (3)

No 1683

Name of petitioner Bibi Nance

Constructed Jamal Said

Village Beher

Taluk - Beher D

District - Bhagalpur

Date of decree - 26-11-96

Date of receipt 30-11-96

Date of despatch —

No of enclosures - Form

Abstract

States that the Defendant

who appeal to Government

against the order of the Deputy

Commr dated 1-8-96 petitioned

has been removed with an order -

no 789 of 96-97 dated

ment that the Deputy Commr re-

section of his appeal shall

be heard and that the petitioner had given no sup-

port application for the delay

Petitioner submits no ground, —

Petn in correspondence from the Deputy
1892 to 3-2-94 Jamabandy Officer
Mr Ramaney Lessee Bapu Sawalla
The Plaint in the ground that a Com-
plaint had been received that it
was not in conformity with the
and reference to the Survey Department
Decree. Regd to call for the order
decree. Regd to call for the order

Again the same Jamabandy
Officer passed a contradictory order
on 25th June 1895 in which it
was falsely stated that petitioner
was heard. If petitioner was
present there was nothing whereon
a statement being taken under
his signature. This order was not
made known to petitioner. Having
accidentally heard of it petitioner
made a representation on 26-8-95.
An order was accordingly
passed on 18-10-95 remanding
the inquiry to the Talati. The order
is as follows :—

"Your statement that the
purchaser is in possession of the land
is not supported by the records. The defen-
dant petitioner's statement that possession seems
to have been an ordinary one. The
question is whether a transfer of
possession was really effected. The
Talati are to make a regular inquiry
and submit his proceedings, petitioners
then be sent for by notice"

The Talati failed to peruse the
order and other references and
to hear petitioner's pleader &
his order mainly with reference to
the Counter petitioner being a Lubha
This is against the Rules. The order
passed without perusing the documents
of 1889 & that of 1892, confirming the
previous order is illegal, Regd
that the order which illegally
made & the Talati made contrary
to the terms of the documents may
be cancelled

Regd that Government may
direct the records & pass orders
Petitioner is prepared to prove the
irregularities of the Jamabandy
Officer. On failure of proof petitioner
submits the Talati or Dumdar is
imprisoned. Seeing that the Officers
give orders varying every year
petitioner submits that they appear
to act like mere Officers. Petitioner
is a poor man with a large family
Regd that if proof is inadmissible
here the case may be referred
to the Sub-division Officer at Mangrol

270

6

Impleadment rejected
White Law Officer
Allahabad

30/11/90

MV... DEPARTMENT
PETITION DEPARTMENT
REGD NO. 16813
19 DEC 1990

Allahabad

Recd
11 June
5/4/91

23

LR 88-96-5

Gen. 31j (5) 1897.

4728
434

aw 18/1/97

Petn 418/1

with refces

19/1

From
The Dy Commissioner,
Hassan District.

To
The Secretary to the
Government of Mysore,
Revenue and Rev: Departts
Bangalore.

Dated 15th
Despatched 15th } January 1897.
Received

General No.
No. 65-8

Enclosure No. one file of P

According to Government official memo no: 993 P dated 4th instant, calling for the submission of the Proceedings connected with the appeal of Abdul Gani of Bekir, regarding the patta of certain Coffee land, has the honor to submit, herewith, the entire proceedings connected with the case, ending with Bekir Amildar's

(204)

24

Auildario xpart—

579 Data 8.ª Idem

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

LR 88-96 DK

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

Registered No. 759 ~~dated~~

received at the Dewan's Office ~~from~~ on 31 August 96 from Abdul Gaffar of Belur, against the order of the Dy Commr of Hassan dtd 1st August 96, regarding Partition of certain land

is forwarded, together with ~~its~~ one enclosure, to the Deputy Commissioner of the Hassan District, before the 20th Inst. for submission of the entire proceedings connected with the case.

2. The petition with its enclosure should be returned.

By order,

Bangalore, 7 ~~Oct~~ Secretary.

189

M.G.C.P.E.—25-4-95—1,000

L2 88-96-Dewan 25

No. 789-16832 4

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

The 189

Endorsement granted to about Gani of Nelur,

In reply to his Petition Registered No. 789 + 1683 dated August 1896 + 26/11/96 respecting against the Sy. Commr. ~~dismissing~~ rejecting the application of Venga S. No. 15 of Kaigere Village, Nelur Taluk, praying in the name of the Petitioner and on Venga's behalf.

Petitioner is informed that the order of the Sy. Commr. authorizing the registry in the name of Venga Chetty, the portion of the land conveyed to him is cancelled.

2. Regarding the transfer of right and the question of enjoyment the parties are left to decide their rights in a Civil Court.

3. The enclosures of his petn. is returned herewith -

By order

2.3. Asst. Secy.

Copy to the Counsel. Petitioner Venga Chetty.

'By Order'

Asst. Secretary.

M.G.C.P.B—19-2-95—1,000

ಸಂ.೦-ಕಛೇರಿ ಸಂಖ್ಯೆಯ ಪ್ರಾರಂಭ ಪುಟ
5-4-97

ಸಂ.೦-ಕಛೇರಿ ಸಂಖ್ಯೆಯ ಕೊನೆಯ ಪುಟ
18-9-97

SMR

30/3/97.

~~LL 88-96-8~~

Proceedings of the Court of Magistrate

2 26/1 — (9)

+1883

Read:

1. Petition dated [illegible] 1897 from Abdul Rani to [illegible] appealing against the Asst. Commissioners order dismissing the Petitioners appeal from against the Panchayat Officers order directing the registry of Survey No. 18 of Horagere village, Belur Taluk, Hassan District in the names of the Petitioner and [illegible] one Vengia Chetty.

2. Docket No. 653 dated January 1897 from the Dy. Commissioner Hassan District, submitting the entire proceedings connected with the case.

Heard

Order Passed: Rs. 8667 / No. 1472 22/4/97

These proceedings arose out of an application presented by Abdul Rani to divide his land No. 18 between himself and the Counter-Petitioner Vengaya Chetty and to register their names separately for their divided portions. The land was divided by the Panchayat but

Pt 2 No 1683 5 26/1896 Mapping

for review of Executive proceedings & Interference

LL 88-96-7

28 A

phode is finally effected,
the Counter Petitioner has
no locus standi, and
as the Petitioner disputes
the correctness of the phode
no phode can be effected
For this reason the order
of the Deputy Commissioner
authorising the registry
of any portion of this land
in the name of Venugopala
Chetty cannot be supported
and this order is cancelled
The joint Patta is neither
~~is~~ expedient nor admissible under the circumstances of this case

2. Regarding the order
directing the phode the
Govt. find that there is
a real and bona fide
dispute between the
parties regarding the land
portions reserved and
is not right that a
Revenue Officer should
decide this transfer of
right and the question
of enjoyment based then
in a summary enquiry
The parties must be left
to decide their rights in a
Civil Court.

C.S. 3 Draft

To The Dy. Commr. Kolar with notes. 4/12 For Secy. Sur R1/2197 9/12

but before the decision was finally accepted the Petitioner objected to it on the ground that the division was not in accordance with their respective payments. Enquiry was held into the question of title and enjoyment which were then urged by the parties and the Deputy Commissioner found that the portion claimed by Abdul Ghani and the portion conveyed to him by the Counter Petitioner formed one continuous block on the Eastern side of Survey No. 18 and directed that the division may be made in the names of both in accordance with his finding. Abdul Ghani has appealed against this order and the question to be decided is whether the division should be made in spite of the appellant's objection and under the provisions of para 8 of the Land Revenue Rule XXVI. Govt are of opinion that this rule does not apply as, as till the

Rhode